

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNIVERSAL SAFETY RESPONSE, INC.
Plaintiff,

vs.

SECURE USA, INC., *et al.*
Defendants,

Civil Action No. 08-Civ-4851 (LTS)

**JOINT REPORT REGARDING CASE
MANAGEMENT AND DISCOVERY**

In accordance with paragraph 3.A of the Court's pretrial procedures, plaintiff, Universal Safety Response, Inc. ("USR"), and defendant, Secure USA, Inc. ("SUSA"), provide this report and a proposed case management plan. The proposed case management plan is attached hereto as Exhibit A.

1. Status of the Case

USR filed and served the complaint in this action on May 23, 2008. The parties conducted a conference pursuant to Fed. R. Civ. P. 26(f) on June 27, 2008. USR served its first set of document requests to SUSA on July 9, 2008. SUSA served its answer and counterclaims on July 11, 2008, and has not yet served document requests on USR.

2. Schedule

The parties jointly propose the following schedule.

Event	Date
Exchange Initial Disclosures	July 18, 2008
Join Additional Parties on or Before	October 6, 2008

Event	Date
Serve Interrogatories, Production Requests, and Admission Requests on or Before	October 24, 2008
Amend Pleadings on or Before	November 3, 2008
Designate Experts on or Before	November 14, 2008
Elect whether to waive privilege regarding opinion(s) of counsel (and produce opinions and pertinent documents if any such waiver is made)	November 21, 2008
Identify any witnesses each party intends to call at the <i>Markman</i> hearing	November 24, 2008
End Fact Discovery	January 7, 2009
Serve opening <i>Markman</i> briefs	January 12, 2009
Serve rebuttal <i>Markman</i> briefs	January 26, 2009
<i>Markman</i> hearing	February 16, 2009
Serve Expert Reports Concerning Issues for Which a Party Bears the Burden of Proof on or Before	February 27, 2009
Serve Responsive Expert Reports on or Before	April 14, 2009
End Expert Discovery	May 14, 2009

3. **Changes to the Discovery Limitations Imposed by the Federal Rules**

The parties agree that Rule 33(a)'s limit of 25 interrogatories per party should suffice.

The parties agree to increase the number of depositions to 15 depositions per party.

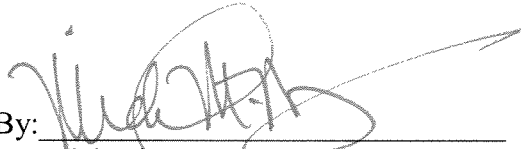
4. **Timing of Third Party Discovery**

The parties jointly propose that third-party discovery proceed concurrently with party discovery, and have amended the proposed case management plan to so indicate.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

Dated: New York, New York
July 14, 2008

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Dated: New York, New York
July 14, 2008

By: _____
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Secure USA, Inc.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

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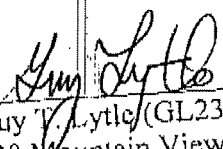

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Exhibit A

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CIVIL CASE MANAGEMENT PLAN

After consultation with counsel for all parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

The case is to be tried by a jury

Yes X No

Counsel consent to trial by a U.S. Magistrate Judge

Yes No X

Joinder of additional parties must be accomplished by October 6, 2008.

Amended pleadings may be filed until November 3, 2008.

Discovery:

1. Requests for production of documents, if any, to be served by October 24, 2008.
2. Interrogatories pursuant to Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by October 24, 2008. No other interrogatories are permitted except upon prior express permission of Judge Swain.
3. Requests to Admit, if any, are to be served by October 24, 2008.

4. Depositions of fact witnesses are to be completed by January 7, 2009, and depositions of experts are to be completed by May 14, 2009.

a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.

b. Depositions shall proceed concurrently.

c. Nonparty depositions may proceed concurrently with party depositions.

d. Depositions of non-30(b)(6) witnesses shall not be extended beyond one business day without prior leave of the Court.

5. Experts, if any, are to be designated by November 14, 2008; primary experts' reports are to be served no later than February 27, 2009; and responsive experts' reports are to be served by April 14, 2009. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth above.

6. Fact discovery is to be completed by January 7, 2009, and expert discovery is to be completed by May 14, 2009. Interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.

Dispositive Motions:

a. All motions and applications shall be governed by the Court's Individual Rules of Practice.

b. A pre-motion conference will be required before any dispositive motion (including motions to dismiss) is filed.

c. The Court will confirm the parties' briefing scheduling at the pre-motion conference.

d. After the papers are fully submitted, the parties will be informed whether oral arguments are required.

Trial:

a. The requirement for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

b. The parties will be required to submit a joint pretrial order at least two weeks in advance of the trial date.

NEXT CASE MANAGEMENT CONFERENCE _____.
(To be completed by the Court)

SO ORDERED:

Dated: New York, New York
July ____, 2008

Hon. Laura T. Swain
United States District Judge